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EXAMINER

HO, THOMAS Y

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/804,287

Applicant(s)

KOLODY ET AL.

Examiner

Thomas Y Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 6/14/01
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "support bar". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Velazquez (USPN4484571).

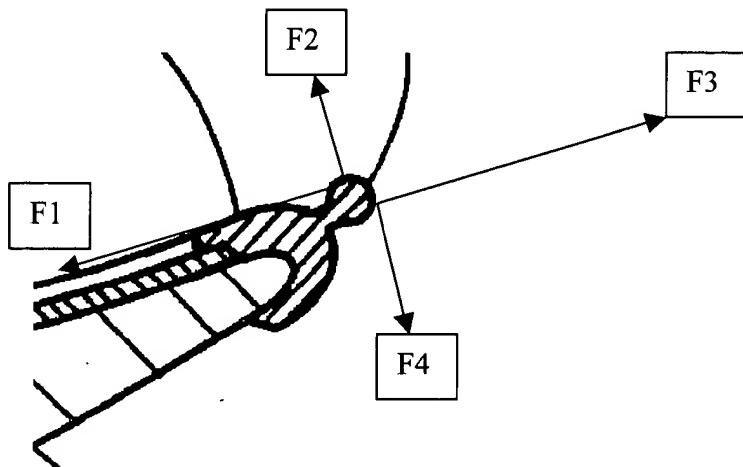
As to claim 1, Velazquez discloses in a radiolucent patient support table (11) including substantially planar top and bottom surfaces (Webster's New World Dictionary defines "planar" as "a flat, level, or even surface", and defines "even" as "smooth"; thus the top and bottom surfaces disclosed by Velazquez are indeed planar) held apart in an opposed relationship, a

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medical appliance support interface (fig. 7, 39, 41) for selectively connecting an associated medical appliance to the table, the interface comprising:

- A non-planar first connection area defined on said top surface of the surgical table.
- The first connection area being shaped to provide a first supporting force against an associated medical appliance in a first direction substantially parallel to the top and bottom surfaces, and a second supporting force against the associated medical appliance in a second direction substantially perpendicular to the top and bottom surfaces.
- A second connection area defined on said table and shaped to provide a third supporting force against the medical appliance in a third direction substantially parallel to the top and bottom surfaces, and a fourth supporting force against the associated medical appliance in a fourth direction substantially perpendicular to the top and bottom surfaces.

Velazquez discloses an interface (39, 41) having near 360 degree contact with the associated medical appliance, and thus has the supporting forces recited in the above claim.



As to claim 2, Velazquez discloses an interface wherein:

- Said first connection area includes at least one recess defined between a pair of wall surfaces that converge at a bight/corner of the at least one recess.

As to claim 6, Velazquez discloses a medical table comprising:

- A base member (3).
- A column (5) connected with the base member (3).
- A rectangular radiolucent patient support member (11) carried on the column (5).
- The patient support member (11) defining substantially planar top and bottom surfaces (Webster's New World Dictionary defines "planar" as "a flat, level, or even surface", and defines "even" as "smooth"; thus the top and bottom surfaces disclosed by Velazquez are indeed planar).
- A low radiographic shadow accessory connection interface (39, 41) defined by a surface along at least one edge of the patient support member (11) for selectively connecting an associated accessory to the patient support member (11).
- The surface being without planar portions oriented in a substantially perpendicular relation to said planar top surface of the patient support member (11) so that the first portions of an interface along a path substantially perpendicular to the planar top surface are attenuated substantially the same as second portions of the x-ray signal passing through the patient support member (11).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5, 7-10, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Velazquez (USPN4484571) in view of Lamb (USPN6260220).

As to claim 3, Velazquez discloses an interface comprising:

- A second connection area.

Velazquez fails to disclose or suggest the following limitations:

- Second connection area includes a substantially planar surface held at an oblique angle relative to said substantially planar top and bottom surfaces.

Lamb discloses a medical table with a second connection area that is comprised of a substantially planar surface (32) held at an oblique angle relative to planar top and bottom surfaces, to minimize the formation of shadows on the x-ray images (col.3, ln.66-67; col.4, ln.1-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the second connection area disclosed by Velazquez to have a planar section, as taught by Lamb, to minimize the formation of shadows on x-ray images.

As to claim 4, Velazquez discloses an interface further including:

- A rounded lip area formed between at least one recess and the second connection area.

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- The rounded lip area defining a crest located between said bight and a plane defined by the top surface of the patient support table (11).

Velazquez fails to disclose or suggest the following limitations:

- Second connection area includes a substantially planar surface.

Lamb discloses a medical table with a second connection area that is comprised of a substantially planar surface (32) to minimize the formation of shadows on the x-ray images (col.3, ln.66-67; col.4, ln.1-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the second connection area disclosed by Velazquez to have a planar section, as taught by Lamb, to minimize the formation of shadows on x-ray images.

As to claim 5, Velazquez discloses an interface wherein:

- Said rounded lip area is spaced apart from the plane defined by the top surface by a predetermined distance.

As to claim 7, Velazquez discloses a medical table wherein:

- Said surface of the low shadow connection interface includes a first connection area adjacent the planar top surface of the patient support member (11) and a second connection area extending between the first connection area and the bottom surface of the patient support member (11).
- The first connection area including a curved lip surface (40, 42).

Velazquez fails to disclose or suggest the following limitations:

- The second connection area including a planar locating surface disposed in a non-perpendicular relation with said planar top surface.

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Lamb discloses a medical table with a second connection area that is comprised of a substantially planar surface (32) disposed in a non-perpendicular relation with the planar top surface, to minimize the formation of shadows on the x-ray images (col.3, ln.66-67; col.4, ln.1-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the second connection area disclosed by Velazquez to have a planar section, as taught by Lamb, to minimize the formation of shadows on x-ray images.

As to claim 8, Velazquez discloses a medical table wherein:

- The first connection area includes a curved recess surface formed in said planar top surface of the patient support member (11) adjacent said curved lip surface (40, 42).

As to claim 9, Velazquez discloses a medical table wherein:

- The curved recess surface formed in said planar top surface is defined by a pair of opposed spaced apart concave wall surfaces formed in the planar top surface of the patient support member (11) adjacent said curved lip surface (40, 42).

As to claim 10, Velazquez discloses a medical table wherein:

- The curved recess surface formed in the planar top surface defines a groove having a first radius r.
- The curved lip surface defines a ridge having substantially said first radius r.

As to claim 11, Velazquez discloses a medical table wherein:

- The curved recess surface includes a planar intermediate surface extending between said spaced apart concave wall surfaces.
- The planar intermediate surface being substantially parallel with the planar top surface of the patient support member (11).

As to claim 12, Velazquez fails to disclose or suggest the following limitations:

- The planar locating surface extends at an angle of about 50° relative to the top and bottom surfaces of the patient support member.

Lamb discloses a medical table with a second connection area that is comprised of a substantially planar surface (32) extending at an angle of about 50° relative to the top and bottom surfaces of a patient support member, to minimize the formation of shadows on the x-ray images (col.3, ln.66-67; col.4, ln.1-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the second connection area disclosed by Velazquez to have a planar section, as taught by Lamb, to minimize the formation of shadows on x-ray images.

As to claim 13, Velazquez discloses a medical table wherein:

- The top surface of the patient support member (11) defines a first plane.
- The curved lip surface (40, 42) is disposed entirely on a side of said first plane containing said patient support member (11).

As to claim 14, Velazquez discloses a medical table further comprising:

- A third connection area between said second connection and said bottom surface of the patient support member (11).
- The third connection member including a downwardly directed curved ridge extending from the bottom surface of the patient support member (11) in a direction opposite from said curved lip surface of said first connection area.

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Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Velazquez (USPN4484571) in view of Lamb (USPN6260220), and further in view of Lussi (USPN5754997).

As to claim 15, Velazquez fails to disclose or suggest the following limitations:

- The rectangular radiolucent patient support member includes a plurality of selectively intermateable support member portions including a body and leg support section connected with said column, a headrest section pivotally attached with the body and leg support sections, and a cardio-vascular extender member selectively attachable to the body and leg support section.

Lussi discloses a surgery table having a plurality of intermateable support member portions including a body and leg support portion (16, 18) connected with said column, a headrest section (20) pivotally attached with the body and leg support sections, and a cardio-vascular extender member (14) selectively attachable to the body and leg support section to facilitate orientation of a patient for different surgical operations. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the medical table disclosed by Velazquez to have a plurality of intermateable support member portions, as taught by Lussi, to orient a patient for different surgical operations.

Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Velazquez (USPN4484571) in view of Lamb (USPN6260220), and further in view of Pegrum (USPN3627250).

As to claim 16, Velazquez fails to disclose or suggest the following limitations:

- A vertical column member suspended from overhead by a ceiling of an associated surgical room.
- A generally horizontally oriented support for pivotally connecting the patient support member with the vertical column member.
- The support bar being vertically movable relative to the column member to enable positioning of the patient support member relative to a floor of the associated surgical room.

Pegrum discloses a patient positioning apparatus comprising a vertical column member (1) suspended from overhead by a ceiling of an associated surgical room, having a generally horizontally oriented support (4) for pivotally connecting the patient support member (5) with the vertical column member (1), and the support bar (4) being vertically movable relative to the column member (1) to enable positioning of the patient support member (5) relative to a floor of the associated surgical room, because this arrangement is useful for teletherapy (col.1, ln.1-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the medical table disclosed by Velazquez to be suspended from the ceiling, in a manner taught by Pegrum, to be useful for teletherapy.

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN4926457 to Poehner discloses a radiolucent hospital bed surface.

USPN5201088 to Larsson discloses a patient examination table.

USPN5276927 to Day discloses a radiolucent head support.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y. Ho whose email address is thomas.ho@uspto.gov and telephone number is (703) 305-4556. The examiner can normally be reached on M-F 9:30AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-3366.

TYH  
August 28, 2002



ROBERT J. SANDY  
PRIMARY EXAMINER